

# COBBETT'S WEEKLY POLITICAL REGISTER.

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"Thou hypocrite, first take the beam out of thine own eye!"

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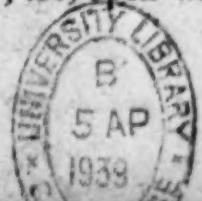
2

## SUMMARY OF POLITICS.

NAPOLEON'S PROJECTS.—These projects were, in the main, evident enough before, but they seem now to be rather more fully developed.—The MORNING CHRONICLE and other prints, call the DIVORCE a solemn *farce*; and they have wisdom to set down the people of France as slaves, because they suffer such a thing to take place. What! and is this, then, a proof that the French nation is enslaved? Because an old woman is put away for the purpose of having a young one put in her place; because a woman, who has been married to Buonaparté, is put away by him, are we to conclude that the nation are slaves? I must here insert the passages, to which I allude; for, it will, another day, be amusing to look back, and see how measures (which, in all human probability) will be so important in their consequences, were, at first, spoken of in England.—"The projects of Napoleon, and the reasons for assembling at Paris all the host of tributary Kings and Princes, begin to be developed. The first scene of the drama appears to be, the long-talked-of dissolution of the marriage of Napoleon and Josephine. We have extracted a description of the form and manner in which this Imperial pair were released from their marriage vows, and which our readers will find highly amusing. The farce which was played for the purpose of giving something like the appearance of a legal sanction to this proceeding, is extremely laughable. Napoleon having thus got rid of an old woman, the next step, we suppose, will be to marry a young one. This, indeed, is pretty plainly hinted at in his speech upon this subject, in which he intimates his desire to have children, who shall inherit his love for France, and so forth."—Again, "The solemn farce which Buonaparté has exhibited in dissolving his marriage with Josephine, is a combination of hypocritical deference to public opinion, with that real disregard of the sentiments and understandings of the better informed class of the commu-

nity, which the pride of power, the intoxication of success, and a temper naturally arrogant, are calculated to inspire. When he talks of immolating the most sacred of his affections to the wants of his people, and the unexampled sacrifice which he has made, he must entertain either the most sovereign contempt for the capacities of the great mass of the French nation, or take a strange delight in outraging the feelings of those against whose hostility he considers himself as perfectly secured. There must, however, be many in France whose enmity is not to be despised. Many who cannot endure, with perfect indifference, that insult should be added to their political degradation, though it is probable that a great majority of those on whom this solemn mockery cannot impose, will dismiss the matter with a shrug of the shoulder, and a significant laugh, if they can venture so far to express their feelings. The horrid events which accompanied the Revolution, the habit of submitting to the oppressions of the conscription, and the despair of being able to better their situation, have produced a degree of apathy in France which even the most humiliating proceedings of their Tyrant cannot effectually disturb."—A more senseless set of observations than these I do not recollect to have seen.—What does this writer mean by a *farce*? What does he mean by the appearance of a legal sanction? Is not the thing *real*; and, as to *legal*, what more of legality can any thing have, than has been given to this divorce? The act has been approved of and passed by those who make laws for France; and, if you call it farcical, you may, if you please, call those acts farcical, by which Napoleon was made Emperor of the French and King of Italy.—It is, therefore, downright silliness, or very childish affectation, to call this act a *farce*; to say, that it is highly amusing, and extremely laughable. Men, in our situation, who can laugh at this act, which is evidently the forerunner of great events, must be made of strange stuff indeed.—I should like to know, too, upon what ground it is,

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that Buonaparté is, upon this occasion, charged with *hypocrisy*. His conduct has been pretty open, I think. His motives must have been fairly avowed, because he cannot be actuated by other motives than those which he has avowed: If it had been the gratification of mere passion that animated him, there would have been no need at all for the divorce. There has been *no disguise* at all. Not only is the motive evident, but it is openly and most explicitly avowed by him; and, yet, the Morning Chronicle charges him with *hypocrisy*.—Next comes a most pathetic lamentation over the poor French nation, whose *capacities have been so contemned*, and whose *feelings have been so outraged* in this transaction. *Alas!* and *Alas!* says the Morning Chronicle, the poor nation have been so completely *bent down* by the *habit of submitting to oppressions*, that they will hardly venture to express their feelings at this new *insult*, added to their political degradation, or even at the most *humiliating proceedings of their Tyrant!*—*Alas!* and *alas!* for the poor people of France! *Alas!* poor people, their sovereign has put away his old wife with a view to take a young one. Just as if Mr. Perry never knew this done *before*. Just as if this was the *first time* that the thing had happened in the world. Just as if the writer imagined, that, by affecting to have lost his own powers of *recollection*, he would be able to deprive his readers of those powers.—But, pray, Sir, *what reason* have the French people to be offended at this proceeding of their Emperor? I, for my part, can see no reason whatever for their being offended. I can see, in this act of divorce, *no contempt* offered to the mental capacities of the French nation: I can see, in it, *no outrage* offered to their feelings: I can see, in it, *nothing insulting* to the nation, nothing, either in the matter or manner of the whole, or any part, of the proceeding, *humiliating*, in the smallest degree, to the French nation. On the contrary, I think that man's mind must be strangely perverted, who does not perceive, that the proceeding must be grateful to the feelings of the French nation; must be flattering to the people of France, who will certainly prefer an Empress, young and of spotless fame, to one, of whom the world took the liberty to speak rather lightly, and whom an English biographer has described as one of the most infamous wretches that ever lived upon the face of the earth. It is quite curious to observe, how our love

and hatred shift about as occasion requires. The biographer, to whom I allude, and whose book, I believe, is entitled the *REVOLUTIONARY PLUTARCH*, has described the *EMPEROR JOSEPHINE* as the most dissolute, and most impious wretch that ever disgraced the female sex and form. She is, by this writer, said to have been one of those, who, in a state of perfect nudity, represented, before the public eye, the Goddess of Reason; and, she is said to have declared, during the life-time of her former husband, that, though she had several children, born after her marriage with him, she was *proud* to say, that *he was the father of neither of them*. I remember these two anecdotes; but, there are, in the work alluded to, two hundred, probably, as disgraceful as these.—This book has been very much read. It has been received with a greediness proportioned to the *envy* of some and the *fear-inspired hatred* of others. It has been believed, or affected to be believed, by a great part of those who have read it; and no small part of our daily, weekly, and monthly publications have bestowed their *sanction* upon it.—Well, then, if this book does *not* speak truth; if we are now ready to disavow the contents of this book, and to say, that Josephine is a mighty good sort of woman, who will believe us in future; and what a pretty figure shall we make in the world? If, on the contrary, we stand to what we have said; if we still assert, that Josephine has been, and is, the most dissolute and the most impious wretch amongst the daughters of *EVE*; if we still assert this, with what face can we join the Morning Chronicle in pretending to believe, that, in putting such a woman away, Napoleon has "*insulted the understanding*," and "*outraged the feelings*," of the people of France?—It is hardly possible, but, really, upon looking over the article again, I am half afraid, that the Morning Chronicle has given a little into *cant*, upon this subject, and has made an effort to induce his readers to consider this act of Napoleon as *irreligious*. If this be his meaning, let me ask him what he thinks of the *divorce bills*, which are passed in England; and let me then ask him why a *divorce bill* should, in France, be any more *irreligious* than it is in England? Or, does he think, that the thing, when prefaced by an *act of adultery*, is *not so irreligious* as when *not* prefaced by such an *act*? Let me ask him, too, as he seems to have his *religious scruples*

plies on board, what he thinks of the custom in America, where, at any assizes, he may hear the crier of the court, standing upon the entrance steps, proclaim, after three times ringing a bell, the dissolution of marriage between such a man and such a woman, and that, too, without any *crime* whatever having been alledged against either party to such marriage. Nay, I remember, when, a marriage having taken place contrary to the wish of the parents of the lady, she was forcibly carried home, and there kept, until an act of the Legislature, without the consent of the husband, *dissolved the marriage*.—To talk, then, with seeming horror, of the late proceeding in France is, to say the very best of it, miserably silly; and, it has, besides, this very mischievous effect, that it draws the public mind away from that view of the matter which it ought to take, and which, if it did take that view, would be preparing itself for the consequences. Instead of affecting to *laugh* at the grand political measure in question; instead of affecting (and most wretched affectation it is) to *pity* the people of France; instead of thus wasting the precious time for reflection and preparation, we ought to be well weighing the probable consequences of this grand stroke of policy.—The project, so long talked of, and such a favourite with the people of France, who, down to the street-sweepers, think that France ought to command the world; the project of Napoleon's being proclaimed EMPEROR OF THE WEST seems now to be upon the eve of being put in execution. The King of Holland resigns, and so, it is very likely, will the king of Spain. These two countries, including Portugal of course, once well subdued; once *brought to hand*, as the saying is; once rendered manageable and applicable to all the purposes of war, that war will, that war must, in all its terrors, *be levelled against these Islands*.—This is what we should think about, and not about the *legality*, or *illegality*, of Napoleon's divorce, as if we, living, for our sins, under a government of barristers, were consulting whether we should not assail him with an information for bigamy. The divorce, especially if followed up by a marriage, which shall give fair hopes of children to the Emperor, will greatly contribute towards the establishment of the contemplated WESTERN EMPIRE. Now (start not, reader, at what I am going to say) I should not be at all surprised, if supposing Napoleon to succeed in con-

quering Spain and Portugal, he were, in taking the title of EMPEROR OF THE WEST, to declare *these islands to make part of his dominions*, in as far, at least, as related to title and homage. How should we like that? I beg the reader duly to consider it. I beg him not to rely upon any thing, till he has tried its foundation. How many, and how many times, have we been disappointed in our hopes! How many times has Napoleon been upon the brink of destruction, bodily or political? Still he lives, and at the close of every succeeding year, he seems twice as great as he was at the close of the preceding one. At every *peace*, with whomsoever made, he gains something. I beseech the reader to look over the world now; and then look back to the epoch of the *peace of Amiens*. Why, there is such a change in favour of Napoleon's power; others have lost so much and he has gained so much, that one cannot, without some time spent in the endeavour, bring back one's mind to the then state of things. Well, if this progress continue; if success still attend the conqueror, and, if we still proceed in our present course, what does reason say, that our fate must be?—But, are there no means of effectually providing for our safety? Are there no means, which shall enable us to say: *we defy your power!* Some there are, who recommend *peace* as the only means of saving ourselves. I have no objection to peace, in the abstract; but, I do not see how peace is at all to tend towards our safety against the power of Napoleon; how it can at all tend to rescue us from that danger, into which we have been plunged during the un-checked sway of the Pittites. Suppose, for instance, that peace were to be treated for now, is there any one, except, perhaps, Fitzgerald the pensioned poet, or some such person, who could expect, that Napoleon would permit us to say one single word about Spain, Portugal, Holland, the Hans-Towns, Denmark, Naples, or any part of Italy or Germany? Is there any man, not much more than half an idiot, who supposes, that he would treat with us about any thing but mere islands and maritime stations? Is there upon earth a wretch so devoid of sense as to believe, for one moment, that Napoleon would make *any* peace with us, except for the mere purpose of being enabled to prepare for a war, in which we should breathe our last? I do not believe there is. He

would make a peace; aye, would he, and ask for it too; for the pride of punctilio he leaves to kings who have empty noddles; but he would certainly not suffer us to interfere in the concerns of the Southern Peninsula. He would not hear a word from us upon the subject. Well, then, what should we get by such a peace? *Diminish our expences?* Yes, indeed, if we were to act upon *different principles of defence* than those we now act upon. But, supposing our present system all to continue, how should we dare to diminish our expences, either by land or sea? Napoleon, who, be it observed, is *never in any fear of us*; and here I cannot refrain from taking a look at our situation in this respect; at the dreadful odds against which we have to contend; and at the humiliating contrast which the state of England now presents when compared with her state only seventeen years ago. At that time, if any one had said; at that time, when the grand master of talk was annually making his display of the inexhaustible resources of the nation; if, at that time, any one had risen up, at the end of one of the grand master's rattling speeches, and foretold, that, under the sway, the absolute unchecked sway, of this same "heaven-born" talker and his disciples, the English nation should be in such a situation as for it to become a matter of course, that the contest, in which she should be engaged, should, on her part, be a contest for *existence*, and, on the part of France, a contest merely for *conquest*; if any one had, at the time referred to, so predicted, he would have been set down as a madman or a fool; he would have been the standing jest of all the pert tribe of "young friends," of all the swarm of punsters and parasites, by whom the grand talker was surrounded. First the grand talker made war against France, in order to keep democracy in check; next he wanted indemnity for the past and security for the future; last, his disciples and successors are making war for *our existence as a nation*. The result of the combination against France puts me in mind of what I once saw with respect to a CAT, an animal renowned for its *number of lives*, but not for more lives than the French, whom the grand talker, with the aid of D'Ivernois and others, killed more than nine times. The cat, of which I was speaking, was doomed to die, and in order to save trouble, and, at the same time, to turn his *carcass to account*, he was tossed into a den,

containing nine or ten ferrets, who, it was supposed, by forming a grand coalition, would destroy him in a twinkling. In the morning, however, when the door of the den was opened, out bounced the cat, leaving all the ferrets dead upon the straw.—From being the assailed France quickly became the assailant; and other nations, from entertaining hopes of being able to partake in the spoils of her, have, one after another, had to supplicate her to spare them some trifle of their possessions. There remains not one nation, England excepted; in all Europe there remains not one, except England, which has not been compelled to bend the knee to France; and, can any man believe, that the ruler of France will ever, while he has life, cease to endeavour to make England also bend the knee?—Napoleon has, and will have, in case of peace *nothing to fear from us*. He will need to employ none of his resources for purposes of *defence*, while we must be always as much upon the alert, as if war were actually going on. He will, in the meanwhile, be employed in building ships and in establishing a navy, and that, too, upon a scale of which none of us seem to have formed any idea. But, let any man cast his eye over the ports and think of the maritime means, of all sorts, that Napoleon will possess; then let him look at the last "*Expose;*" let him see what stupendous works are even now going on in our enemy's vast empire; let him look at the extensive preparations which are already making, all pointing to the last great object, our subjugation; and then let him say, if he can, that our danger is not most imminent; let him say, if he can, that there could possibly be, for England, any chance of *repose* in peace, unless our system undergo a change.—The peace of Amiens was never finished. Our ministers then told us, that we went to war again, *because we could not remain at peace*. How, then, should we be able, with the same system, to remain at peace when Holland and the Southern Peninsula, when all continental Europe in short, is moulded into one solid empire, under the sway of a man, capable of wielding it for our destruction?—If peace, then, brought no repose; if its dangers and alarms were as great, or greater than those of war; if it brought no sensible diminution of expense, is it to be expected, that we could long live in that state? And, is it not to be feared, that the nation, at last wearied out by the harrassing threats

of an enemy, whom it never could harrass with any alarms in return, would feel disposed to lend its neck to his yoke, having the example of all other nations to keep it in countenance?—The title of EMPEROR OF THE WEST; the bare taking of that title, would have not a little effect upon men's minds. The title would grow familiar amongst us in spite of ourselves. By little and little the desire for repose would subdue the remains of national spirit and of antipathy towards the conqueror; and, from that state, it would be but one step to submission to his sway.—Let any man take a calm and impartial view of the matter; let him consider, that it *must* be the anxious desire of Napoleon to conquer England, in which object he will have the hearts of all Frenchmen with him, and in which object, from the joint operation of shame and envy, he will have with him the hearts of all the nations he has subdued; let it be considered, that, without the conquest of this kingdom, Napoleon can never look upon his work as half finished: let any man calmly consider these things; let him consider how rapidly we have gone on from bad to worse, and that the last year of our progress, in this way, has been more rapid than any former one; and, when he has thus considered, let him say, what hope we have of safety, *unless we have recourse to means not hitherto tried.*—We have, God knows, not been wanting in exertions. We have made exertions enough; but, they have proved to be of the *wrong sort.* We have raised armies and fitted out fleets; but we have not made exertions enough, nor, indeed, any at all, towards arming the *hearts of the people*, and especially the people in that part of the kingdom, which, in all cases, must be most exposed to the attacks of the enemy.—I have lately described the state of Ireland; I have lately appealed to my readers, as to what the feelings and disposition of the Irish Catholics, that is, in fact, the Irish *nation*, must be; and, I need not ask what their additional feelings must be upon reading, in Napoleon's *Exposé*, his sentiments, views, and measures with regard to *religious toleration*. Upon the subject of "RELIGIOUS WORSHIP," the *Exposé* says: "The Government, in its respect for conscience, has not deviated from the line which it had traced out to itself. Its principles, with respect to religion, have had their application, this year, as in the preceding. It does not confine itself to the tolera-

tion of all kinds of religious forms of worship, it honours and encourages them. The different sects of Christianity, founded on the morality of the Gospel, are all useful to society. The Lutherans of the Fauxbourg St. Antoine, whose number amounts to 6,000, had no temple, and, from time immemorial, exercised their worship in the Swedish Chapel. Their church has been acknowledged; their Ministers have been appointed by the Emperor, and are maintained at the expence of the State.—A School of Calvinistic Theology has been established at Montauban."—This is as much to be feared as an army of 200,000 men! This is long-sighted policy. How many thousands and hundreds of thousands of hearts will this win! Napoleon, as was observed by the Morning Chronicle, *out-bid* us in Spain; and he is here endeavouring to *out-bid* us at home. He neglects nothing that is calculated to advance his purposes. He leaves not a soul untempted to join him, while those who have to combat him seem as if they were afraid of having too many friends. The contest is, indeed, fearfully unequal. He sets all prejudices at defiance; while they seem to desire nothing so much as petty squabbles about what can be of no use, except it be to produce divisions, and, of course, weakness, amongst those who, if united, might mar their interested views.—We should, under the sway of the most wise, and most liberal men, have much to do, in order to enable us to obtain a fair chance of safety. A little matter would be nothing at all. The whole of the people must have *a new spirit put into them.* But, I think we should *begin with Ireland*; for, it is impossible to say *how soon* that nation may be put to the test. Upon this subject, and by way of supplement to my late articles, relative to Ireland, I shall insert, in my next Register, a letter which comes from DOCTOR MILNER, the contents of which are very interesting and important. The bare reading of this letter is sufficient to convince any man, that the measures, which it recommends, ought to be adopted without delay.—I do not think, that, amongst all the circumstances, favourable to the views of Napoleon, any one is so favourable as *the present state of Ireland.* He is, we may be assured, as well acquainted with that state as we are. He knows, to a hair, what can and what cannot be done there. He has, in his pay, persons whose

sole business it is to collect information relative to Ireland ; and, in short, he has, I dare say, an Irish department of politics. It was declared in parliament, that there was a *French party* in Ireland ; and, I dare say, that Napoleon did not, even then, want such information. Well, then : let us out-bid him ; let us *seduce* his party from him ; let us bribe them by kindness ; let us purchase them with acts of liberality and justice. The time is now hastily coming, when we cannot afford to have any malcontents ; our cause wants the *whole* of our people ; we cannot let one half remain at home to keep down the other half. In one word, the hearts of the people of Ireland must be gained, or there is no hope of safety for England.

W<sup>m</sup>. COBBETT.

*Bet'ey, 4<sup>th</sup> Jan. 1810.*

#### OFFICIAL PAPERS.

FRANCE.—*Address of the Legislative Body to the Emperor; and his Answer.*

*Paris, Dec. 13.*—Last Sunday, the Emperor and King, being on the throne, surrounded by the Princes, the Ministers, the great Officers of the Empire, the Members of the Senate, and by those of the Council of State, received, before mass, at the palace of the Tuilleries, a deputation from the Legislative Body. This deputation was conducted to the audience of his Majesty, by a Deputy Master of the Ceremonies, introduced by the Grand Master of the Ceremonies, and presented by his Serene Highness the Prince Vice Grand Elector. The deputation being admitted to the foot of the throne, spoke in the following terms, the Address which had been voted to his Majesty :

“Sire ; The Legislative Body beholds you greater, every time it has the honour of approaching your Majesty’s throne. Each year is for you an age of glory ; each return to your capital, is a fresh triumph. When you were at a distance from France, your genius did not abandon her ; it still continued to dwell in the centre of us. On the first appearance of the enemy, your people, whom you regarded, from the Banks of the Danube, have fled with precipitation in crowds to the threatened frontiers. The enemy hastened to flee away, as if you had really been present. Your last exploits, and the happy peace which has followed them, will aggrandize the territories of the Princes your allies. Important re-unions are on the eve of accomplishing the system of this vast Em-

pire, of which they are members, and which regards you both as its head and its founder ; but Cæsar, whilst he re-assumes all his power, respects those rights which are not his own. He himself points out, with wisdom, the limits of priesthood, and of the Empire. Religion will not cease to lean upon the throne which has established her, and the Successor of St. Peter will be to us dearer and more revered, by blessing the Successor of Charlemagne, in the name of the God of Peace, whose will changes the empires, but whose worship never changes. All which is attached to you, aggrandizes ; all that seeks a foreign influence is threatened by an immediate fall ; we must obey your ascendancy ; it is at once the counsel of heroism and of polities. Sire, you said, a few days ago, that your first passion was the love of France ; this word resounded in all hearts.—This day you announce that victory will not exact any fresh sacrifices ; The Legislative Body thanks you for it ; but, it does not fear to be contradicted by a brave and generous nation, when it replies, that nothing is impossible to Frenchmen, towards a Sovereign, who covers them with so much glory, and who has so amply requited them, by paying their sacrifices with all his love.”

His Majesty replied to this Address in the following terms :—

“Gentlemen, President, and Deputies of the Legislative Body ;—I accept the sentiments which you express ; I know the attachment of your body to my person. France stands in need of a moderate but strong monarchy. The present epoch ought to be distinguished, not only by the glory of the French arms, but also by the prosperity of its commerce, the wisdom of its laws, and the brilliancy of arts, of sciences, of letters. I have overcome many obstacles to conduct France to its actual situation : both myself and family will be always ready to sacrifice even our dearest affections to the interests and welfare of this great nation. With the assistance of God, and the constant love of my people, I shall overcome whatever can oppose my great designs.—I wish to live still for 30 years, that I may serve 30 years more my subjects, consolidate this vast empire, and see this dear France embellished by all the prosperities which I have conceived.”

*Paris, Dec. 17.*—His Majesty the Emperor and King set out at four o’clock, this day, for Trianon. Her Majesty the Empress Josephine is at Malmaison. (Monitor.)

AMERICA.—*President's Message at the opening of the Session of Congress, Nov. 27.*

Fellow Citizens of the Senate, and of the House of Representatives; At the period of our last Meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so, as presaging a more extended accommodation. It is with deep concern I am now to inform you, that the favourable prospect has been overclouded by a refusal of the British Government to abide by the act of its Minister Plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the Minister sent to replace him. Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where, by the terms of the engagements, a mutual ratification is reserved; or where notice at the time may have been given of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity, a disavowal could not have been apprehended in a case where no such notice or violation existed, where no such ratification was reserved, and more especially, where, as is now in proof, an engagement, to be executed without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution on the part of the United States.—These considerations not having restrained the British Government from disavowing the arrangement, by virtue of which its Orders in Council were to be revoked, and the event authorising the renewal of commercial intercourse having thus not taken place, it necessarily became a question, of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force? This question being after due deliberation, determined in the affirmative, a Proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury, now laid before you, were transmitted to the Collectors of the several ports. If, in permitting British vessels to depart, without giving bonds not to pro-

ceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individual should be injured by so unforeseen an occurrence: and I rely on the regard of Congress for the equitable interests of our own Citizens, to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.—The recall of the disavowed Minister having been followed by the appointment of a successor, hopes were indulged that the new Minister would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted, that it would at least be charged with conciliatory explanations of the step which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new Minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed; nor any authority to substitute proposals, as to that branch, which concerned the British Orders in Council; and finally, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals, at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim, not less contrary to the British laws and British practice, than to the principles and obligations of the United States.—The correspondence between the department of State and this Minister will shew how inessentially the features presented in its commencement have been varied in its progress. It will shew also, that forgetting the respect due to all Governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic Majesty through the Minister Plenipotentiary of the United States in London. And it would indicate a want of confidence due to a Government which so well understands and exacts what becomes foreign

Ministers near it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British Government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy, if the change in this respect should be accompanied by a favourable revision of the unfriendly policy which has been so long pursued towards the United States.—With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States, to effect a favourable change. The result of the several communications made to her Government, in pursuance of the authorities vested by Congress in the executive, is contained in the correspondence of our Minister at Paris, now laid before you.—By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controvuled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature, how far both the safety and the honour of the American flag may be consulted, by adequate provisions against that collusive prostitution of it, by individuals unworthy of the American name, which has so much favoured the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered.—In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbours, the just and benevolent system continued toward them has also preserved peace, and is more and more advancing habits favourable to their civilization and happiness.—From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defence which was contemplated, and that further time will be required to render complete the works in the harbour of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armouries, the supply of small arms,

of an improving quality, appears to be annually increasing, at a rate, that, with those made on private contract, may be expected to go far towards providing for the public exigency.—The Act of Congress, providing for the equipment of our vessels of war, having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject.—To that statement is added a view of the transfers of appropriations, authorized by the Act of the Session preceding the last, and of the grounds on which the transfers were made.—Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security, and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.—The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of Sept. last (and amounting to more than nine millions of dollars), have enabled us to fulfil all our engagements, and to defray the current expenses of Government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the Treasury.—In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States, as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision of the alternatives before them. That these will be met in a spirit worthy the councils of a nation, conscious both of its rectitude and of its rights, and careful as well of its honour as of its peace, I have an entire confidence. And that the result will be stamped by an unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.—In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our



situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially, in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies.—Nor is it unworthy of reflection, that the revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts, by which the contending nations, in endeavouring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.—Recollecting always, that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence, whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

*Circular Letter of Mr. Jackson, dated Washington, Nov. 18, 1809.*

Sir;—I have to inform you, with much regret, that the facts which it has been my duty to state, in my official correspondence with Mr. Smith, have been deemed by the President of the United States to afford a sufficient motive for breaking off an important Negotiation, and for putting an end to all communication whatever with me, as the minister charged with that negotiation, so interesting to both nations; and on one most material point of which an answer has not been returned to an official and written overture\*.—One of the facts alluded to has been admitted by the Secretary of State himself in his letter to me of the 19th of October, viz. That the three Con-

\* This overture is on the affair of the Chesapeake.

ditions forming the substance of Mr. Erskine's original Instruction, were submitted to him by that gentleman. The other, viz. That that Instruction is the only one in which the Conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to me by the Instructions which I have myself received.—In stating these facts, and in adhering to them, as my duty imperiously enjoined me to do, in order to repel the frequent charges of ill faith, which have been made against his Majesty's Government, I could not imagine that offence would be taken at it by the American Government, as most certainly none could be intended on my part; and this view of the subject has been made known to Mr. Smith. But as I am informed by him that no further communication will be received by him from me, I conceive that I have no alternative left, which is consistent with the King's dignity, but to withdraw altogether from this city, and await elsewhere the arrival of his Majesty's commands upon the unlooked for turn which has thus been given to his affairs in this country.—I mean, in the interval, to make New York the place of my residence, where you will henceforth please direct your communications to me, as I shall be accompanied by every member of his Majesty's mission. I am, with great truth and respect, Sir, your most obedient humble servant, (Signed) F. J. JACKSON.

To —, his Majesty's Consul, at —.

*AMERICAN DISPUTE.—Correspondence, between MR. R. SMITH, the American Secretary of State, and MR. F. J. JACKSON, the English Envoy.*

MR. SMITH TO MR. JACKSON.

Department of State, Oct. 9, 1809.

SIR; An arrangement, as to the revocation of the British Orders in Council, as well as to the satisfaction required in the case of the attack on the Chesapeake frigate, has been made in due form by the Government of the United States with David Montague Erskine, Esq. an accredited Minister Plenipotentiary of his Britannic Majesty. And after it had been faithfully carried into execution on the part of this Government, and under circumstances rendering its effects on the relative situation of the United States irrevocable, and, in some respects, irreparable, his Britan-



nic Majesty has deemed it proper to disavow it, to recall his Minister, and to send another to take his place.—In such a state of things, no expectation could be more reasonable, no course of proceeding more obviously prescribed by the ordinary respect due to the disappointed party, than a prompt and explicit explanation, by the new functionary, of the grounds of the refusal on the part of his Government to abide by an arrangement so solemnly made—accompanied by a substitution of other propositions.—Under the influence of this reasonable expectation, the President has learned, with no less surprise than regret, that in your several conferences with me you have stated—1st, That you have no instructions from your Government which authorise you to make any explanations whatever to this Government, as to the reasons which had induced his Britannic Majesty to disavow the arrangement lately made by your predecessor, and that therefore you could not make any such explanations.—2nd, That in the case of the Chesapeake, your instructions only authorise you (without assigning any reason whatever why the reasonable terms of satisfaction tendered and accepted, have not been carried into effect) to communicate to this Government a note tendering satisfaction, with an understanding that such note should not be signed and delivered by you, until you should have previously seen and approved the proposed answer of this Government, and that the signing and the delivery of your note and of the answer of this Government should be simultaneous.—3rd, That you have no instructions which authorise you to make to this Government any propositions whatever in relation to the revocation of the British Orders in Council; but only to receive such as this Government may deem it proper to make to you.—4th, That, at all events, it is not the disposition or the intention of the British Government to revoke their Orders in Council, as they respect the United States; but, upon a formal stipulation on the part of the United States, to accede to the following terms and conditions, viz.—I. That the Act of Congress, commonly called the Non-intercourse Law, be continued against France, so long as she shall continue her Decrees.—II. That the Navy of Great Britain be authorised to aid in enforcing the provisions of the said Act of Congress.—III. That the United States shall explicitly renounce, during the present war, the right

of carrying on any trade whatever, direct or indirect, with any colony of any enemy of Great Britain, from which they were excluded during peace; and that this renunciation must extend, not only to the trade between the colony and the mother country, but to the trade between the colony and the United States.—If, in the foregoing representation, it should appear, that I have in any instance misapprehended your meaning, it will afford me real pleasure to be enabled to lay before the President a statement, corrected agreeably to any suggestions with which you may be pleased to favour me.—To avoid the misconceptions incident to oral proceedings, I have the honour to intimate that it is thought expedient that our further discussions, on the present occasion, be in the written form. And with great sincerity I assure you, that whatever communications you may be pleased thus to make, will be received with an anxious solicitude to find them such as may lead to a speedy removal of every existing obstacle to that mutual and lasting friendship and cordiality between the two nations, which it is obviously the interest of both to foster.

MR. JACKSON TO MR. SMITH.

*Washington, 11th Oct. 1809.*

SIR; I have had the honour of receiving your official letter of the 9th inst. towards the close of which you inform me, that it had been thought expedient to put an end to all verbal communications between yourself and me in discussing the important objects of my mission. Considering that a very few days have elapsed since I delivered to the President a credential letter from the King my Master, and that nothing has been even alledged to have occurred, to deprive me of the facility of access, and of the credit to which, according to immemorial usage, I am by that letter entitled, I believe there does not exist in the annals of diplomacy, a precedent for such a determination between two Ministers, who have met for the avowed purpose of terminating amicably the existing differences between their respective countries: but after mature reflection, I am induced to acquiesce in it by the recollection of the time that must necessarily elapse before I can receive his Majesty's commands upon so unexpected an occurrence, and of the detriment that would ensue to the public service, if my Ministerial functions were, in the in-

terval, to be altogether suspended. I shall therefore content myself with entering my protest against a proceeding which I can consider in no other light than as a violation, in my person, of the most essential rights of a Public Minister; when adopted, as in the present case, without any alledged misconduct on his part. As a matter of opinion, I cannot, I own, assent to the preference which you give to written over verbal intercourse for the purpose of mutual explanation and accommodation. I have thought it due to the public character with which I have the honour to be invested, and to the confidence which his Majesty has most graciously been pleased to repose in me, to state to you unreservedly my sentiments on this point. I shall now proceed to the other parts of your letter, and apply to them the best consideration that can arise from a zeal proportioned to the increase of difficulty thus thrown in the way of the restoration of a thorough good understanding between our respective countries.—You state, sir, very truly, that an arrangement had been made between you and Mr. Erskine, and that his Majesty had thought proper to disavow the agreement—I have here in the outset to regret the loss of the advantage of verbal intercourse with you, as I should have availed myself of it to inquire whether by your statement, it were your intention to complain of the disavowal itself, or of a total want of explanation of it, or of the circumstance of that explanation not having been made through me. I observe, that in the records of this mission there is no trace of a complaint, on the part of the United States, of his Majesty having disavowed the act of his Minister. You have not, in the conferences we have hitherto held, distinctly announced any such complaint, and I have seen with pleasure, in this forbearance on your part, an instance of that candour, which, I doubt not, will prevail in all our communications, inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act, done under such circumstances, as could only lead to the consequences that have actually followed.—It was not known when I left England, whether Mr. Erskine had, according to the liberty allowed him, communicated to you *in extenso* his original instructions. It now appears that he did not. But, in reverting to his official correspondence, and particularly to a dispatch

addressed, on the 20th April, to his Majesty's Secretary of State for Foreign Affairs, I find that he there states, that he had submitted to your consideration, the three conditions specified in those instructions, as the ground-work of an arrangement which, according to information received from this country, it was thought in England might be made, with a prospect of great mutual advantage. Mr. Erskine then reports *verbatim et seriatim* your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been concluded between you that these latter were an equivalent for the original conditions; but the very act of substitution evidently shows that those original conditions were, in fact, very explicitly communicated to you, and by you, of course, laid before the President for his consideration. I need hardly add, that the difference between these conditions and those contained in the arrangements of the 18th and 19th of April, is sufficiently obvious to require no elucidation: nor need I draw the conclusion, which I consider as admitted by all absence of complaint, on the part of the American Government, viz. that under such circumstances, his Majesty had an undoubted and incontrovertible right to disavow the act of his Minister. I must here allude to a supposition, which you have more than once mentioned to me, and by which, if it had any, the slightest foundation, this right might perhaps have been in some degree affected. You have informed me that you understood that Mr. Erskine had two sets of instructions, by which to regulate his conduct; and that upon one of them, which had not been communicated either to you or to the public, was to be rested the justification of the terms finally agreed upon between you and him. It is my duty, Sir, solemnly to declare to you, and, through you, to the President, that the dispatch from Mr. Canning to Mr. Erskine, which you have made the basis of an official correspondence with the latter Minister, and which was read by the former to the American Minister in London, is the only dispatch, by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement with this country on the matter to which it relates.—To return to the immediate subject of your letter. If, Sir, it be your intention to state, that no explanation whatever has been given to

the American Government of the reasons which induced his Majesty to disavow the act of my predecessor, I must in that case observe, that in the instructions conveying to him his Majesty's intention, those reasons were very fully and forcibly stated; and if he has not transmitted them to you, I can only attribute it to the peculiar delicacy and embarrassment of his situation, for which he probably trusted to the President's goodness to make some allowance; and he might the more reasonably be led to that reliance on it, as a full and ample communication was also made upon the subject by his Majesty's Secretary of State for Foreign Affairs, to Mr. Pinckney, to whom the whole of Mr. Erskine's original instruction was read, and who, it was natural to suppose, would convey to his Government so much information upon a very momentous occasion, as would relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred. At all events, no complaint can be substantiated against his Majesty's Government, on this score, seeing that they not only instructed the Minister who had made the disavowed arrangement as to the motives which occasioned the disavowal, but also with frankness, promptitude, and a most scrupulous regard to national honour, gave notice to the American Minister in London of the motives of the disavowal of it, and of the precaution spontaneously taken by his Majesty to prevent any loss or injury accruing to the citizens of the United States, from a reliance on any agreement, however unauthorised, made in his Majesty's name. The mere allusion to this latter circumstance dispenses me from farther noticing the effects which you describe as being produced upon the United States by the circumstances of this agreement. How far they are irrevocable it is not for me to determine—but the word irreparable seems to imply that a loss had been sustained on the occasion by the public, or by individuals of this country. So far as his Majesty could be by possibility supposed answerable for such an eventual loss, he has, as I have before stated, taken the utmost precaution to avert it.—As to the expectation entertained here, that the explanation of his Majesty's share in this transaction should be made through me, I might content myself with simply observing, that I was not provided with instructions to that effect, because it was

known that the explanation in question had already been given. But it accords with the sentiments of his Majesty towards this country to observe also, that he considered, that as some time must necessarily elapse between my appointment and my entrance on the duties of my Ministry, it would be a more friendly mode of proceeding to state, without delay, and through the channels I have already mentioned, the motives that compelled his Majesty to disavow the agreement, than to leave the American Government in uncertainty in these respects, till the unavoidable protracted period of my arrival in America. I say this in regard to the original notification of his Majesty's determination, and of the motives of it, which being already made, it could not be supposed in London that a repetition of them would be expected from me; and of course no such case has been foreseen in my instructions. But, if beyond this any incidental explanation or discussion should be wished for by this Government, I came fully prepared to enter into them. I even consider them to have taken place between us. I have certainly derived great satisfaction from the several hours which we have spent in conference upon these subjects, because they have enabled me to remove some misunderstandings, and to refute many misrepresentations which you yourself informed me of, in regard to the conduct of the British Government. I consider such mutual explanations as highly beneficial to a right understanding of the views and interests of the two countries, and I should with much pleasure have renewed them, if you had not informed me that the President had been pleased to prescribe another and a different mode of conducting our negotiations.—I will nevertheless avail myself of that mode which he still permits to repeat to you, that his Majesty has authorised me, notwithstanding the ungracious manner in which his former offer of satisfaction for the affair of the Chesapeake was received, to renew that which Mr. Erskine was instructed to make. You have said that you so fully understood the particulars of that offer, that I deem it unnecessary to recapitulate them here. I regret that since they were so clearly understood by you, you should not yet have been enabled to state to me either in our personal communications, or in the letter which I am now answering, whether they are considered by the President as satis-

factory, or whether they are such as he ultimately means to accept. You seem not so distinctly to have understood the form of proceeding in this affair, which I took the liberty of suggesting as likely to lead to a satisfactory result, without, however, at all precluding any other method which might appear preferable to you. My proposal was, not to communicate a note *tendering* satisfaction, but to agree with you before-hand upon the terms of a declaration on the part of his majesty, *which should actually give the satisfaction* (the conditions of which I informed you that I was authorised to carry into immediate execution), and of a counter declaration to be signed by you on the part of the United States, for the purpose of accepting such satisfaction. I expressly stated that this interchange of official documents was not meant by me as the means of conveying to each other our respective sentiments—that I understood to be, as is usual, the object of our conferences, and I imagined that the papers to be signed by us respectively, would be the result of those sentiments so communicated, and that by being reciprocally corrected and modified, and simultaneously delivered, they would form one compact by which the two countries would be equally bound. This course of proceeding is conformable to the practice of the Courts of Europe on similar occasions. You did not at the time appear to object to it—you even requested me to come the next day, prepared with a draft or projet of a paper, framed in pursuance to these ideas; and although you desired to refer the subject to the President for his approbation, I do not find in your letter either an expression of his sentiments upon it, or the substitution of any other form that might be more agreeable to him, than the one which I have proposed.—I touch with considerable and very sincere reluctance upon that part of your letter, in which you state that I had not assigned “any reason whatever why the reasonable terms of satisfaction tendered and accepted have not been carried into effect.”—I believed that I had observed to you, in the words of my instructions, that if his Majesty were capable of being actuated by any desire to retract an offer of reparation which he had once made, his Majesty might be well warranted in doing so, both by the form in which his accredited Minister had tendered that reparation, and by the manner in which that tender had been re-

ceived. I believe that I elucidated this observation by a reference to the particular expressions, which made the terms of satisfaction appear to be unacceptable, even to the American Government, at the very moment when they were accepted, and which, at all events, put it totally out of his Majesty’s power to ratify and confirm any act in which such expressions were contained.—On the subject of his Majesty’s Orders in Council, I have had the honour of informing you, that his Majesty having caused to be made to the Government of the United States certain proposals founded upon principles, some of which were understood to originate in American authorities, and others to be acquiesced in by them; and having afterwards ascertained, in the manner mentioned in a former part of this letter, that the sentiments of the American Government were so different from what they were at first understood to be, I was not instructed to renew to you those proposals, nor to press upon your acceptance an arrangement which had been so recently declined, especially as the arrangement itself is become less important, and the terms of it less applicable to the state of things now existing.—Those considerations, which were first intimated in Mr. Canning’s official letter to Mr. Pinckney of the 23d September, 1808, and which, in the process of the following six months, acquired greater weight and influence, induced his Majesty, before the result of Mr. Erskine’s negotiation was known, to modify the Orders in Council of November, 1807, by that of the 26th of April, 1809.—The effect of this new Order is to relieve the system under which the former Orders were issued, from that which has always been represented in this country, as the most objectionable and offensive part of it—the option given to neutrals to trade with the enemies of Great Britain through British ports on payment of a transit duty. This was originally devised and intended as a mitigation of what is certainly more correct but more rigid in principle—the total and unqualified interdiction of all trade with the enemy. If, however, this mitigation was felt as an aggravation, and, as has been sometimes warmly asserted, as an insult, that cause of complaint is now entirely removed. By the Order in Council of the 26th April 1809, all trade with France and Holland, and the ports of Italy, comprehended under the denomination of the kingdom of Italy, is sim-

ply prohibited altogether. No option is afforded, and consequently no transit duty is required to be paid. In another respect the Order in Council of the 26th April must be admitted to be more restrictive than those of November 1807.—The trade with enemies colonies, which was opened to neutrals at the commencement of the present war by the Order in Council of the 24th June 1803, was continued to be left open by those of November 1807. The Order in Council of the 26th of April retracts this indulgence. But it is to be observed, that, since the period, when the Orders in Council of November 1807 were issued, the opening of the ports of Spain, of Portugal, of the South of Italy, and of Turkey, has afforded a more ample scope to neutral commerce, and that by the capture of Martinique, in addition to that of almost all the colonies of the enemies of Great Britain, together with the blockade of Guadaloupe, the extent to which the liberty of commerce with the enemies colonies applied has been so far narrowed, that there is little of practical hardship in recurring to the rule, which however occasionally mitigated in its application, Great Britain can never cease in principle to maintain. It is further to be observed, that the Order in Council of the 26th April has this operation highly favourable to neutrals, that restricting the regulations of blockade, to France, Holland, and their colonies, and to the territories denominated the kingdom of Italy, it lays open to the direct trade of neutrals the ports of the north of Europe. Under the Order of the 26th April, therefore, while there are on the one hand fewer points of difference to stand in the way of a satisfactory arrangement between Great Britain and the United States, it is possible that there may be less temptation to the latter to enter into such an arrangement, as the extent of their commerce may be, if they please, nearly as great under the Order in Council of the 26th April, as it would be under any arrangement which should effect the indispensable objects to which that Order applies, or as it would be even without any such Order, so long as France, and the Powers subservient to France, continue to enforce their Decrees. It is, in the same proportion, matter of indifference to Great Britain, whether the Order in Council be continued, or an arrangement by mutual consent substituted in its room.—Such, Sir, are the grounds on which it has appeared to his Majesty to be unnecessary to command

me to propose to the Government of the United States any formal agreement to be substituted for that which his Majesty has been under the necessity of disavowing; but I am directed to receive and discuss with you any proposal which you may be authorised to make to me on this head.—As no disposition has hitherto been shown on your part to make any such proposal, it has been impossible for me to state by anticipation (nor was I instructed so to do) what might be the answer that I should eventually think it my duty to return to you, consequently I could not have made with that view the statement contained in the 4th section of your letter, and the three subdivisions of it. Such a statement would have been obviously inconsistent with the former part of my overture, which you very correctly record in the 3d section, viz. that I was not instructed to make to you any proposal whatever upon this subject. I must necessarily reserve, until I hear from you what proposals it may be deemed proper to make on behalf of the United States, to state in how far they do or do not accord with the instructions which it has pleased his Majesty to give me for my guidance in this negociation.—I will only add, Sir, in conclusion of this letter, that his Majesty is very desirous of maintaining a perfect and cordial understanding with the United States, and of bringing to a complete and satisfactory adjustment, all the points of difference that have arisen between the two Governments; and that, agreeing as I do with you, most heartily, as to the interest which both nations have in fostering a mutual and solid friendship and cordiality, no zeal or exertions shall be wanting on my part to carry into effect his Majesty's commands for this most salutary purpose.—I have the honour to be, with great respect, Sir, your most obedient humble Servant.

MR. SMITH TO MR. JACKSON.

*Department of State, Oct. 19, 1809.*

Sir—I have had the honour of receiving your letter of the 11th inst. Before I proceed to the more material topics which it embraces, it is proper that I should take some notice of your construction, which has unhappily converted an intimation of the expediency of conducting in a written form our further discussions on this particular occasion, into a general prohibition of all verbal communications whatever, and into an unprecedented violation of the

most essential rights of a public Minister, requiring a formal protest and a resort to the commands of your Sovereign.—A recurrence to that intimation cannot fail to show that its sole object was to avoid, in the further discussions of a case of unusual delicacy and importance, the misconceptions well known to be incident to oral proceedings, and of which the diplomatic intercourse between the two Governments had furnished so many and such serious proofs, nay of which your letter itself is additional illustration. That a change in diplomatic discussions from an oral to a written form, is not without precedent, I cannot refer to one which will be more satisfactory to you than the intimation recently given by Mr. Canning, in the case of the proposal by Mr. Pinckney on the subject of the Orders in Council and the Embargo, that the discussions which had been previously verbal, must thenceforth take a written form. And with this view I take the liberty of recalling your attention to the subjoined extracts (See A. and B.) of letters that passed on that occasion.

—On the present, as on that occasion, the change from verbal to written communications was requested after two conferences, and when the subject appeared to one of the parties to have, by those verbal discussions, been brought to a point, which required a precise understanding of the views and propositions of the other.—You will, Sir, hence perceive, that in maintaining the right, which every Government has as to the rules of intercourse with foreign functionaries near it, no encroachment has been made, or intended on any right or customary privilege belonging to you in that character, nor any thing done to impede the proper and usual course of negociation.—You have been sufficiently apprised, by my letter of the 9th, of the light in which the President views the arrangement lately made by your predecessor with this Government, and of the grounds on which he has expected a formal and satisfactory explanations of the reasons for the refusal of his Britannic Majesty to carry it into effect. He persists in that expectation, and in the opinion, that there has been given no explanation that is adequate, either as to the matter or as to the mode.—When one Government has been solemnly pledged to another in a mutual engagement by its acknowledged and competent agent, and refuses to fulfil the pledge, it is perfectly clear that it owes it, both to itself and to

the other party, to accompany its refusal with a formal and frank disclosure of sufficient reasons for a step, which, without such reasons, must deeply injure its own character, as well as the rights of the party confiding in its good faith.—To refuse, with honour (says a high authority on public law), to ratify what has been concluded on by virtue of a full power, it is necessary that the Government should have strong and solid reasons, and that he show in particular that his Minister has violated his instructions.—Although it is particularly incumbent on the Sovereign in such case to show that his instructions have been violated, yet it is not a mere violation of them on immaterial points that will be sufficient. It is indispensably requisite, moreover, that the reasons be strong and solid; that they manifestly outweigh not only the general obligation to abide by what has been so done, but also the disappointment and injury accruing to the other party. And it is worthy of notice, that the case under discussion is of a higher character, and appeals with greater solemnity to the honour and justice of the refusing party, than the case stated in Vattel, inasmuch as the transaction, now disavowed, was not a treaty or convention to be ratified by both parties, previous to an execution by either. It had, according to the terms of it (and this peculiarity appears to have been contemplated by your Government), been actually and immediately carried into execution on the part of America. The refusal of his Britannic Majesty is, therefore, not simply to ratify what had been ratified by the other party, but to carry into effect on his part, an arrangement which had been carried into full effect with good faith on the part of the United States. Now the case is strengthened by the further peculiarity, that some of the circumstances attending the execution of the arrangement on the part of the United States render it unsusceptible of a full equivalent for the refusal to execute it on the other side.—It has not escaped observation, that the obligation of your Government to tender explanations on this occasion is admitted by your attempt to show that it has been sufficiently done in what passed in conversation between Mr. Canning and Mr. Pinckney, and by the instructions given to Mr. Erskine to communicate such explanations. With every disposition to view in the most favourable light whatever may effect the relations between the two

countries, it is impossible to mistake the conversations of those Ministers for a discharge of such a debt to the good faith and reasonable expectations of the United States. Besides that they were mere conversations in a case requiring the precision and respect of a formal communication, it is certain that it was neither understood by Mr. Pinckney, nor intended by Mr. Canning, that those conversations were to be regarded. Mr. Pinckney is explicit on this point; and Mr. Canning himself, after declining to recapitulate in writing what he had verbally remarked, signified to Mr. Pinckney, in a letter dated May 27, that his observations on the subject would be more properly made through the successor of Mr. Erskine, who was about to proceed to the United States.—With respect to the instructions on this point, given to Mr. Erskine, it might be sufficient to remark, that they were never carried into execution; but it may be asked, whether it was a mark of friendly respect to the United States to employ for such a purpose a Minister with whom his Government had thought proper publicly to withdraw its confidence, and to the peculiar delicacy and embarrassment of whose situation you have yourself referred, as accounting for his not having executed the task imposed upon him.—I must here repeat, what was suggested in my former letter, that the successor of Mr. Erskine is the proper functionary for a proper explanation. Nor can I perceive the force of your remark, that the delay incident to your arrival in the United States rendered it more consistent with the friendly sentiments of his Majesty to press the other channels for communicating the motives for his disavowal. To your own re-consideration I appeal, which in the course most consonant to those friendly sentiments, was not the obvious one of employing the new organ, guarding at the same time against any misconstruction of the delay, by apprizing the American Government, through its Minister, of the cause of it. The supposition that the delay incident to your mission gave rise to the conversation of Mr. Canning and Mr. Pinckney, is not reconcileable to the correspondence of the latter, which contains no such indication. On the contrary, it distinctly shows that he was apprized of the intention to replace Mr. Erskine by a successor, whom he regarded as the proper channel for the ex-

planatory communications, that he understood Mr. Canning to be under the same impression, and that he learned from yourself, not more than two days after his conversation with Mr. Canning, that you were to sail for the United States within three weeks.—Although it may not have been your intention to have given to this subject a posture which it would not have naturally assumed, yet such has been the tendency of some of your remarks, and particularly of the conclusion you have drawn from the two circumstances; 1st, That no trace of complaint from this Government against the disavowal appears on the records of the British mission, or was distinctly announced by me in our conferences, and 2nd, that from the official correspondence of Mr. Erskine with his Government, it appears that although he did not communicate *in extenso* his original instructions, he submitted to me the three conditions therein specified and received my observations on each.—If there be no trace of complaint against the disavowal in the archives of the mission, it is because this Government could not have entered such complaint before the reasons for the disavowal had been explained, and especially as the explanations were justly and confidently expected through the new functionary. And as to the supposed reserve on my part, on this subject in our several conferences, I did imagine, that my repeated intimations to you of the necessity of satisfactory explanations, as to the disavowal, were sufficient indications of the dissatisfaction of this Government with respect in the disavowal itself.—The stress you have laid on what you have been pleased to state as the substitution of the terms finally agreed on, for the terms first proposed, has excited no small degree of surprise. Certain it is, that your predecessor did present for my consideration the three conditions which now appear in the printed document; that he was disposed to urge them more than the nature of two of them (both palpably inadmissible, and one more than merely inadmissible) could permit, and that on finding his first proposals unsuccessful, the more reasonable terms comprised in the arrangement respecting the Orders in Council were adopted. And what, Sir, is there in this to countenance the conclusion you have drawn in favour of the right of his Britannic Majesty to disavow the proceeding?

(*To be continued.*)